

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Hamlin)
exchange and the Aspermont,)
Rule and Haskell)
exchanges.)

PETITION

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Hamlin exchange and the Aspermont, Rule and Haskell exchanges.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

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¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;
3. Exchanges involved: Hamlin in the Abilene, TX LATA, Aspermont in the Wichita Falls, TX LATA, Rule in the Wichita Falls, TX LATA and Haskell in the Wichita Falls, TX LATA;
4. Name of carriers: Hamlin of Southwestern Bell Telephone, Aspermont of Contel/GTE Southwest, Inc., Rule of Contel/GTE Southwest, Inc. and Haskell of Contel/GTE Southwest, Inc.;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Hamlin exchange has 1,447 access lines, the Aspermont exchange has 837 access lines, the Rule exchange has 502 access lines, and the Haskell exchange has 2,193 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Hamlin customers returning ballots who voted in favor of ELC to Aspermont: 84.90. Percentage of Hamlin customers returning ballots who voted in favor of ELC to Rule: 80.40. Percentage of Hamlin customers returning ballots who voted in favor of ELC to and Haskell: 82.90. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. *PRIMA FACIE* SHOWING

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3)

indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Hamlin exchange and the Aspermont, Rule and Haskell exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 14069

SHEET 1

PETITION FOR EXPANDED LOCAL	§	PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE HAMLIN	§	
EXCHANGE TO THE EXCHANGES OF	§	OF TEXAS
ASPERMONT, HASKELL AND RULE	§	

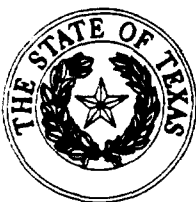
**ORDER NO. 7
REINSTATING PETITION
AND DE-DOCKETING**

Order No. 6, dated October 4, 1995, dismissed this docket after an appeal of Order No. 5, dated July 12, 1995, was filed. Order No. 5 found that the Hamlin exchange had not proven sufficient community of interest for Southwestern Bell Telephone Company (SWBT) to obtain a federal waiver for the expansion of the local calling scope.

However, it appears that the caption for the dismissal order makes reference to the Como exchange; therefore, the petitioners were unaware that their petition had been dismissed due to the confusion in the style.

On July 28, 1997, the Commission Staff stated that it is reasonable to conclude that the petitioners could be confused by the order they received, and recommended that the petition be reinstated and de-docketed.

Therefore, the petition is reinstated and de-docketed. The Commission Staff shall file a recommendation regarding community of interest in order for SWBT to request a waiver from the Federal Communications Commission to provide the expanded local calling service.



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 29th DAY OF JULY, 1997

BK

DOCKET NO. 14069

PETITION FOR EXPANDED LOCAL	§	PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE HAMLIN	§	
EXCHANGE TO THE EXCHANGES OF	§	OF TEXAS
ASPERMONT, HASKELL AND RULE	§	

INTERIM ORDER

Findings of Fact

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FILING CLERK

1. On December 5, 1994, subscribers of the Hamlin Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Aspermont, Haskell and Rule.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Hamlin Exchange is in the Abilene Local Access and Transport Area (LATA) and is served by Southwestern Bell Telephone Company (SWBT). The petitioned exchanges of Aspermont, Haskell and Rule are in the Wichita Falls LATA and are served by GTE Southwest, Inc. (GTE-SW).
4. An affirmative vote of 84.90 percent of Hamlin Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Aspermont Exchange. An affirmative vote of 82.90 percent of Hamlin Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Haskell Exchange. An affirmative vote of 80.40 percent of Hamlin Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Rule Exchange.

5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.
6. The petitioned exchanges of Aspermont, Haskell and Rule are within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C §23.49(c)(3)(B)(i)(II)(effective 12/7/93).
7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed on May 4, 1995.
8. The Aspermont Exchange is contiguous with the Hamlin Exchange and their subscribers are employed in Hamlin, use doctors and a hospital in Hamlin and have close business ties with the Hamlin Exchange.
9. The Haskell Exchange provides a dentist, intergovernmental relationships and shopping for Hamlin Exchange subscribers.
10. The Rule Exchange is also contiguous with the Hamlin Exchange and shares an employer with Hamlin Exchange. The Hamlin Exchange also provides doctors, a hospital and shopping for Rule Exchange subscribers .
11. Based on the affidavit referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Hamlin Exchange and the petitioned exchanges of Aspermont, Haskell and Rule.

Ordering Paragraphs

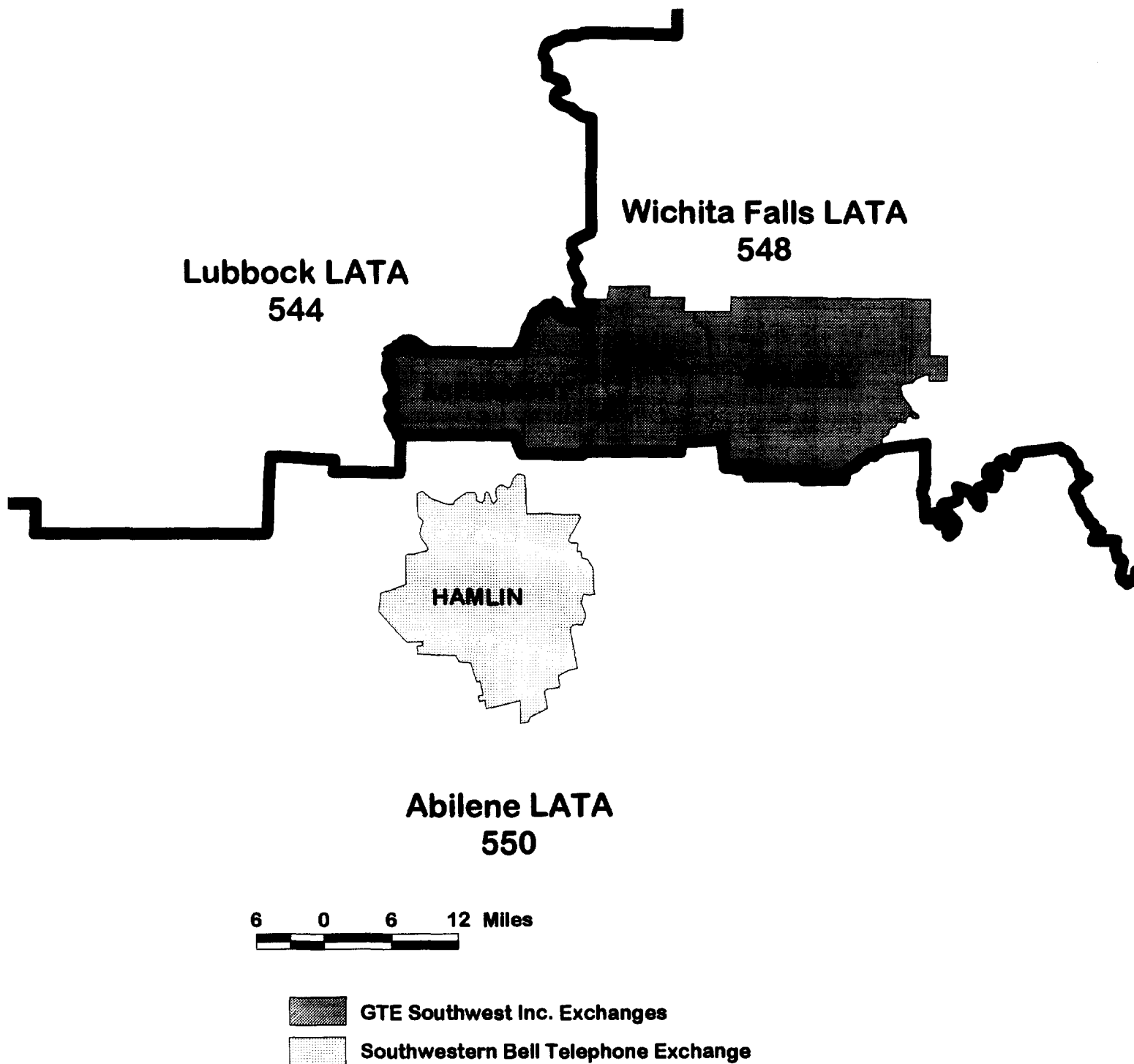
In accordance with the findings of fact, the Commission issues the following Interim Order:

1. Petitioners from the Hamlin Exchange have shown a community of interest with the Aspermont, Haskell and Rule Exchanges.
2. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.
3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



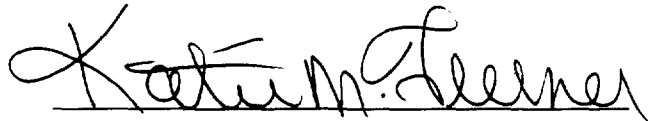
ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 1st DAY OF AUGUST, 1997

Hamlin To Aspermont, Haskell, and Rule



CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701